

65 – INDEPENDENT AGENCIES – REGULATORY

407 – PUBLIC UTILITIES COMMISSION

CHAPTER 314 – STATEWIDE LOW-INCOME ASSISTANCE PLAN

SUMMARY - This Chapter establishes the standard design, as well as the administration and funding criteria for a Statewide Low-Income Assistance Plan to assist qualified low-income customers pay their electric bills. This Chapter mandates the creation of Low-Income Assistance Programs (LIAP) for transmission and distribution utilities that do not currently have them and the continuation of existing low-income programs. This Chapter creates a central fund to finance the statewide plan and apportions the fund to transmission and distribution utilities based on the percentage of LIHEAP eligible persons residing in their respective service territories. The Maine State Housing Authority will administer the statewide plan and the individual LIAPs.

TABLE OF CONTENTS

§1	GENERAL PROVISIONS AND DEFINITIONS	4
	A. Scope of Rule	4
	B. Definitions	4
§2	PURPOSE OF THE STATEWIDE LOW-INCOME ASSISTANCE PLAN AND LIAPs	6
§3	CREATION AND IMPLEMENTATION OF LIAPS.....	7
	A. Creation and Implementation of the LIAPs	7
	B. Review and Approval by Commission	7
§4	REQUIRED DESIGN FEATURES OF A LIAP	7
	A. Eligible Customers	7
	B. LIAP Administration	7
	C. Native American Participation in LIAPs.....	8
	D. Transfer of Certification Information.....	8
	E. Benefit Levels	8
	F. Enrollment.....	8
	G. Statewide Low-Income Assistance Plan Funding	8
	H. Relationship to Energy Management Services	9
	I. Impact on Means-Tested Assistance Programs	9
	J. Continuing Applicability of Chapter 81	9
	K. Benefits Provided to Customers Using Oxygen Pumps	9
§5	STATEWIDE LOW-INCOME ASSISTANCE PLAN FUNDING	11
	A. Creation of a Statewide Low-Income Assistance Plan Fund.....	11
	1. Purpose of the Fund	11
	2. Sources for the Fund	12

	3. Separate Accounts of Fund	12
B.	Transmission and Distribution Utilities' Funding Obligation for the Statewide Low-Income Assistance Plan for LIAP Program.....	12
	1. LIAP Benefits	12
	2. Administrative Costs	12
C.	Modifications to Assessment Level	13
	1. Overall Program Costs	13
	2. Oxygen Pump Benefit Costs.....	13
D.	Apportionment of Funds.....	13
	1. Funding for LIAPs	13
	2. Funding for Use of Oxygen Pumps.....	13
E.	Transfer of Funds	14
	1. For Each Utility whose LIAP Assessment Exceeds its Apportionment	14
	2. For Each Utility whose LIAP Assessment is Less than its Apportionment	14
	3. For Each Utility whose LIAP Expenditures Exceed its Apportionment	14
§6	STATEWIDE LOW-INCOME ASSISTANCE PLAN AND LIAP ADMINISTRATION: ROLE OF THE MSHA.....	14
A.	Fiscal Oversight.....	15
	1. Management of the Statewide Low-Income Assistance Plan Fund	15
	2. Contributions to and Reimbursements from the Statewide Low-Income Assistance Plan Fund.....	15
	3. LIAP Benefits	15
B.	Statewide Low-Income Assistance Plan Administrative Expenses Incurred by the MSHA.....	15
C.	Disputes Between the MSHA and its Designees	16
D.	Reports to Commission.....	16
	1. Total Number of Participants	16
	2. Reimbursement to Utilities	16
	3. Funds Received from Utilities	16
	4. Benefits Paid.....	16
	5. Fund Information.....	17
	6. Oxygen Pump Benefit.....	17
	7. Other Information.....	17
E.	Record Maintenance.....	17
	1. Number of Customers Evaluated.....	17
	2. Income and Usage.....	17
	3. Oxygen Pump Benefit.....	17
F.	Coordination with Community Action Agencies	18
§7	OBLIGATIONS OF TRANSMISSION AND DISTRIBUTION UTILITIES.....	18
A.	Notice to Customers	18
	1. New Customers	18
	2. Notice in Association with the Winter Disconnection Rule	18

B.	Providing Information to MSHA, Community Action Agencies, or other MSHA Designated Entities	18
C.	Energy Management Measures	19
D.	Reporting	19
1.	Number of Participants in LIAP	19
2.	Number of Participants Dropped from the LIAP	19
3.	Number of Participants Receiving Oxygen Pump Benefits	19
4.	Oxygen Pump Benefit Amounts	20
5.	LIAP Program Benefit Amounts	20
6.	Payments to the MSHA	20
7.	Reimbursements Received from the MSHA	20
8.	Reimbursement Requests made to the MSHA	20
9.	Projected LIAP Benefits	20
10.	Administrative Funds Provided to MSHA	20
E.	Record Maintenance	20
§8	WAIVER	21
TABLE 1	22

§1 GENERAL PROVISIONS AND DEFINITIONS

A. Scope of Rule

This Chapter applies to all transmission and distribution utilities in the State except those transmission and distribution utilities exempt from electric restructuring pursuant to Title 35-A M.R.S.A. §3202(6).

B. Definitions

1. Apportionment

"Apportionment" is the amount of money that a transmission and distribution utility shall spend annually on its LIAP. The amount of each utility's apportionment is established by Commission order.

2. Apportionment Rate

"Apportionment rate" is the percentage of the Statewide Low-Income Assistance Plan fund to which a transmission and distribution utility is entitled. Apportionment rates are established by Commission order.

3. Assessment

"Assessment" is the amount of revenue that each transmission and distribution utility must contribute annually to the cost of the Statewide Low-Income Assistance Plan. Each utility's assessment is established by Commission order.

4. CAD

"CAD" is an acronym that stands for the "Consumer Assistance Division" of the Commission.

5. Carry-Forward Amount

"Carry-forward amount" is the total amount of apportioned funds that were unspent or uncommitted in one LIAP program year and are available for use in a future LIAP program year.

6. Commission

"Commission" is the Maine Public Utilities Commission.

7. Community Action Agency

“Community Action Agency ” is a private nonprofit agency that is designated by and authorized to accept funds from the Federal Community Services Administration under the Federal Economic Opportunity Act of 1964.

8. LIAP

“LIAP” is an acronym that stands for "Low-Income Assistance Program," which is a program to assist qualified low-income customers pay their electric bills. Collectively, the LIAPs constitute the Statewide Low-Income Assistance Plan. An existing Low-Income Assistance Program is a LIAP.

9. LIAP Program Year

“LIAP program year” is the period between October 1st and the following September 30th.

10. LIHEAP

“LIHEAP” is an acronym that stands for “Low-Income Home Energy Assistance Program,” which is a federally funded program that provides financial assistance grants to needy households for home energy bills and is implemented by the Maine State Housing Authority.

11. MSHA

“MSHA” is an acronym that stands for the Maine State Housing Authority.

12. Oxygen Pump

An “oxygen pump,” also referred to as an “oxygen concentrator,” is an electrical device used to provide oxygen to a person for breathing at substantially higher concentrations than those of ambient air.

13. Participant

A “participant” is a customer who is enrolled in a LIAP.

14. Percentage of Income Program

A “percentage of income program” or “PIP” is an assistance program under which a customer’s utility costs are based on a predetermined percentage of the customer’s total household income. Utility costs that exceed the predetermined percentage of total household income are paid as a benefit.

15. Physician

"Physician" is any natural person authorized by law to practice medicine or osteopathy in Maine.

16. Residential Customer

"Residential Customer" is any person who has applied for, been accepted for, and is receiving residential service from a transmission and distribution utility or has agreed to be billed for residential service from a transmission and distribution utility. This term also includes a person who was a customer of the same transmission and distribution utility within the past thirty (30) days and who requests service at the same or a different location.

17. Statewide Low-Income Assistance Plan

"Statewide Low-Income Assistance Plan" comprises the individual LIAPs that are being offered by the transmission and distribution utilities in the State in accordance with this Chapter.

18. Transmission and Distribution Utility

"Transmission and distribution utility" means a person, its lessees, trustees, receivers or trustees appointed by a court, owning, controlling, operating or managing a transmission and distribution plant for compensation within the State, except where the electricity is distributed by the entity that generates the electricity through private property alone solely for that entity's own use or the use of the entity's tenants and not for sale to others.

§2 PURPOSE OF THE STATEWIDE LOW-INCOME ASSISTANCE PLAN AND LIAPs

The purpose of the Statewide Low-Income Assistance Plan and the individual LIAPs is to establish a series of bill payment assistance programs which collectively cover the State for low-income residential customers that will:

- A. Make participants' electric bills more affordable;
 - B. Make assistance available to low-income customers throughout the State;
- and
- C. Ensure that each transmission and distribution utility in the State has the funds necessary to implement a LIAP that addresses the need that exists in that particular utility's service territory.

§3 CREATION AND IMPLEMENTATION OF LIAPS**A. Creation and Implementation of the LIAPs**

Each transmission and distribution utility, except those exempted from electric restructuring under 35-A M.R.S.A. § 3202(6), shall implement a LIAP by October 1, 2001. Each transmission and distribution utility that currently offers a LIAP shall continue to offer its LIAP and shall make modifications necessary for its LIAP's compliance with this Chapter for the 2002 program year.

B. Review and Approval by Commission

The Commission will review and approve each utility's LIAP. Each transmission and distribution utility creating a new LIAP shall submit terms and conditions for its proposed LIAP to the Commission for review by September 1, 2001. The Director of CAD is delegated authority to review and approve each utility's LIAP. Each transmission and distribution utility proposing to modify its LIAP shall submit its request for approval of such changes to the Commission by May 1 for modifications to the upcoming program year.

§4 REQUIRED DESIGN FEATURES OF A LIAP

Each LIAP shall have the following design features:

A. Eligible Customers

Each transmission and distribution utility's LIAP shall be available to all that utility's customers who are taking residential electric service on a continuing year-round basis who meet the following eligibility criteria:

1. The customer or a member of the customer's household must be eligible to receive a LIHEAP benefit;
2. The customer is not receiving a housing subsidy that limits the household's total housing cost, including utilities, to a fixed percentage of the household's income; and
3. The customer qualifies for the utility's LIAP.

B. LIAP Administration

Collectively, the LIAPs will be administered by the MSHA and other entities that may contract with the MSHA. This includes eligibility certification, benefit determination, and any other administrative duty necessary to carry out the intent of this Chapter.

C. Native American Participation in LIAPs

Each utility will enroll in its LIAP any customer that is certified to be eligible for LIHEAP by a tribal organization that is approved by the Federal Government to administer LIHEAP in the State of Maine.

D. Transfer of Certification Information

Certification and enrollment information should be transferred in the most efficient, cost effective way possible between the utility and the agency responsible for certification and calculation of the benefit.

E. Benefit Levels

Each LIAP shall vary benefits paid to ensure that participants more in need receive higher benefits than participants less in need, as measured by income level and expressed as a percentage of the federal poverty guidelines. For example, participants between 0% and 75% of the federal poverty guidelines shall receive a higher benefit than those between 76% and 100%. Similarly, participants between 101% and 125% of federal poverty guidelines shall receive a higher benefit than those over 125%. Each utility's LIAP shall have a minimum of four separate categories of benefits based on federal poverty guidelines, with the exception of percentage of income programs, which by design complies with the intent of this section. Each LIAP shall include a provision to account for changes made to the LIHEAP program that may affect a customer's eligibility for the LIAP, such as an increase in the LIHEAP eligibility ceiling from 150% to 200% of the federal poverty guideline.

F. Enrollment

For LIAPs that provide a monthly benefit, the enrollment process shall be designed so that the participant receives a benefit on the next bill after the utility's receipt of the participant's certification. If the bill will be issued within five (5) business days after receipt of the certification, enrollment shall be completed before the following bill is issued. If enrollment is delayed, enrollment shall be retroactive to the first bill issued after certification. For LIAPs that provide benefits in one lump sum, the benefit shall be credited to the participant's bill no later than June of the applicable program year. Nothing in this section limits benefit disbursements to a monthly or a one lump sum basis.

G. Statewide Low-Income Assistance Plan Funding

The Statewide Low-Income Plan will be funded by an assessment on each transmission and distribution utility as described in Section 5 of this Chapter.

H. Relationship to Energy Management Services

As a condition of enrollment, a LIAP participant shall agree to accept energy management measures and programs offered at no cost by the participant's transmission and distribution utility, the MSHA, or other federally or state-funded programs, for the participant's dwelling or rental unit, unless the participant is a renter and the landlord withholds the required consent.

I. Impact on Means-Tested Assistance Programs

The intent of this Chapter is that benefits provided will not be counted as income or as a resource in other means-tested assistance programs for low-income households. Each LIAP shall therefore be administered in a way that ensures that benefits will not result in the loss of other federal assistance dollars.

J. Continuing Applicability of Chapter 81

Except as specifically varied by this Chapter or by terms and conditions approved by the Commission, the provisions of Chapter 81 shall continue to apply.

K. Benefits Provided to Customers Using Oxygen Pumps

1. Purpose of Oxygen Pump Benefit

The Oxygen Pump Benefit provides financial assistance to low-income customers who, for health-related reasons, must use an oxygen pump at least 8 hours each day. The benefit is intended to cover the full cost of operating an oxygen pump, and must not reduce benefits provided under existing LIAPs required by this Chapter. The oxygen pump benefit must be provided beginning October 1, 2006.

2. Certification of Need

a. Each transmission and distribution utility shall provide customers who use an oxygen pump with a form approved by the Commission that documents the information listed below. The completed form must be signed and dated by the customer's physician (or the patient's physician, if the patient is not the customer), or the physician's agent or designee. The form must, at a minimum, include the following information:

- i. The name of the patient using an oxygen pump;
- ii. The number of hours each day the patient must use an oxygen pump;
- iii. The period of time in days or months that it is anticipated the patient will need an oxygen pump;

iv. The physical address (service location) at which the patient using an oxygen pump resides; and

v. The name and utility account number of the eligible customer.

b. Use of a form provided by the Commission will be considered compliance with the information requirements of Section 4(K)(2)(a)(i) – (v).

c. Each time a utility provides a customer with a form pursuant to this section, the utility must also provide notice that the form must be completed on an annual basis. The notice can either be part of the form or can be included as an attachment to the form.

3. Eligibility

a. Transmission and distribution utilities shall provide a credit to each participant who annually submits certification as specified in Section 4(K)(2) that a member of the household must use an oxygen pump at least 8 hours each day.

b. Certification to receive the Oxygen Pump Benefit must be renewed for each LIAP program year. The certification form may be submitted prior to October 1 but no earlier than September 1 each year.

c. The Oxygen Pump Benefit shall be applied to only one account per customer.

d. In the event a customer receiving the Oxygen Pump Benefit moves to a new location within the same transmission and distribution utility's service territory, the customer's eligibility to receive the Oxygen Pump Benefit shall transfer to the new account.

4. Effect on Other LIAP Benefits

a. The benefit for use of an oxygen pump shall not reduce benefits provided, nor increase co-payments, under any other section of this Chapter.

b. The following requirements apply to utilities operating a percentage of income program (PIP):

i. An eligible customer's benefit will be recalculated in accordance with Section 4(K)(5) to consider the increased usage associated with the operation of the oxygen pump beginning on the date the utility receives the appropriately completed form specified in Section 4(K)(2);

ii. An eligible customer's co-payment cannot increase due to the usage associated with an oxygen pump, and the overall benefit provided to eligible customers must reflect the usage associated with the oxygen pump, even if that usage causes the total benefit amount to exceed a pre-established ceiling for a total benefit amount; and

iii. If the PIP bases the benefit amount on a customer's electric usage for the previous 12 months and there is less than 12 months of oxygen pump usage reflected in the historic consumption, an estimate of usage will be used until 12 months oxygen pump usage is accumulated.

5. Amount of Credit

a. The Oxygen Pump Benefit must be equivalent to the total cost of electricity to run the oxygen pump, including both the supply cost and the delivery cost, for the number of hours and the duration indicated by the physician. The cost of electricity for operating an oxygen pump will be calculated by multiplying the applicable monthly kWh in Table 1 by the appropriate price per kWh. For customers who enroll in the oxygen pump assistance program or terminate use of an oxygen pump part way through a billing cycle, the daily kWh in Table 1 will be used to calculate the benefit for the partial month.

b. Customers who submit the certification form specified in Section 4(K)(2) at the time they are enrolled in a utility's LIAP will receive a full year of the Oxygen Pump Benefit or the entire period of time specified by the patient's physician, whichever time period is less.

c. The benefit for customers who submit the certification form specified in Section 4(K)(2) during a LIAP program year will be calculated from the date the utility receives the appropriately completed form to the end of that LIAP program year, the period of time for which the benefit is calculated, or the entire period of time specified by the patient's physician, whichever time period is less.

d. For utilities providing a grace period for customers to recertify LIHEAP eligibility, the Oxygen Pump Benefit shall continue along with the LIAP benefit provided that the certification form specified in Section 4(K)(2) is submitted by October 1.

§5 STATEWIDE LOW-INCOME ASSISTANCE PLAN FUNDING

A. Creation of a Statewide Low-Income Assistance Plan Fund

1. Purpose of the Fund

A Statewide Low-Income Assistance Plan fund shall be established by the MSHA to: 1) reimburse each transmission and distribution utility whose funding

obligation for the operation of its LIAPs exceeds its assessment; and 2) fund the MSHA's costs to administer the Statewide Low-Income Assistance Plan and the individual LIAPs pursuant to Section 6 of this Chapter.

2. Sources for the Fund

The Fund will consist of contributions by transmission and distribution utilities as directed by this Chapter; all money appropriated by the State for inclusion in the Fund; all interest, dividends and pecuniary gains from the investment of money in the Fund; and any other monies deposited in the Fund to implement the provisions of this Chapter.

3. Separate Accounts of Fund

The Fund will consist of two separate accounts: one dedicated to LIAP benefits and one dedicated to administrative expenses. Funds may not be exchanged between the accounts unless approved by the Commission.

B. Transmission and Distribution Utilities' Funding Obligation for the Statewide Low-Income Assistance Plan for LIAP Program

1. LIAP Benefits

The total statewide spending for the LIAP benefits for the program year beginning October 1, 2001, shall be \$5,790,221.00. This funding amount will continue each year thereafter unless modified by the Commission pursuant to this section. Funds owed to the MSHA pursuant to Section 5(E) shall be transferred in a form specified by the MSHA and will be forwarded in two installments, the first on December 15 and the second on March 15, annually for the program year that begins October 1 and placed into the "benefits account" within the fund. The Commission shall, by November 1 of each program year, specify the amounts to be contributed by utilities to the MSHA on December 15 and March 15 of each program year. Utilities may also choose to forward the entire amount owed to MSHA pursuant to Section 5(E) on December 15.

2. Administrative Costs

The total statewide spending for administrative costs for the LIAPs for the year beginning October 1, 2001, shall be \$291,164.00. This funding amount will continue each year thereafter unless modified by the Commission pursuant to this section. All funds transferred pursuant to this section shall be remitted to the MSHA by October 7 of each program year and placed in the "administrative account" of the fund. The Commission may adjust the utilities' contribution for administrative costs during a program year as necessary to ensure that the MSHA has sufficient funds to fully administer the LIAPs.

C. Modifications to Assessment Level

1. Overall Program Costs

The Commission will monitor the needs of Maine's low-income electric customers and will evaluate annual LIAP funding and expenditure levels and program design features. The Commission will by March 1 of each year adjust the overall assessment, as well as each utility's assessment, as necessary to ensure that the assistance provided by the LIAPs is consistent with the provisions of 35-A M.R.S.A. § 3214.

2. Oxygen Pump Benefit Costs

The Commission will monitor the cost of providing benefits to eligible oxygen pump customers pursuant to Section 4(K) of this Chapter. In the event that the cumulative, incremental cost of providing these benefits exceeds the annual carry-forward amount for a particular LIAP program year, the Commission will adjust the assessment amount for that LIAP program year to cover the additional cost.

D. Apportionment of Funds

1. Funding for LIAPs

Each transmission and distribution utility shall be apportioned a specific funding amount for its LIAP pursuant to this section. The apportionment amount shall be calculated by multiplying the percentage of the LIHEAP eligible people in the State residing in each utility's service territory by the total LIAP funding amount for benefits (established in Section 5(B)(1)). A utility may petition the Commission by March 1 for the upcoming program year to modify the apportionment rates used to establish the apportionments due to demographic changes in the LIHEAP population. The Commission may itself order a change in the apportionment rates if LIHEAP demographic statistics provided by the MSHA indicate that the percentage of the State's LIHEAP customers residing in each utility's service territory has changed.

2. Funding for Use of Oxygen Pumps

Each utility shall also be apportioned a specific amount to cover the cost of providing benefits to eligible customers who use an oxygen pump, pursuant to Section 4(K) of this Chapter. The amount provided to each utility shall be equal to the incremental cost incurred by the utility in providing the benefits. This amount shall be added to the apportionment amount specified in Section 5(D)(1).

E. Transfer of Funds

1. For Each Utility whose LIAP Assessment Exceeds its Apportionment

Each utility whose assessment exceeds its apportionment pursuant to this section shall transfer the difference to the MSHA pursuant to Section 5(B)(1) of this Chapter.

2. For Each Utility whose LIAP Assessment is Less than its Apportionment

Each utility whose assessment is less than its apportionment is entitled to receive funds from the MSHA in an amount equal to the amount of actual expenditures for LIAP benefits that exceed the utility's assessment level, up to, but not exceeding, the utility's apportionment level. No utility will be eligible to receive reimbursement from the MSHA until its LIAP expenditures exceed its assessment amount. Utilities will receive reimbursement from the MSHA on a quarterly basis, to the extent that the MSHA has sufficient funding for the individual utility expenditures available for this purpose. Reimbursement will be on a quarterly basis. The MSHA is not responsible or liable for a lack of funding and no transmission and distribution utility shall have any right or cause of action against the MSHA as a result of a lack of funding. Any shortfalls in funding will be considered by the Commission in its review of funding needs for the Statewide Low-Income Assistance Plan as described in Section 5(C).

3. For Each Utility whose LIAP Expenditures Exceed its Apportionment

No utility will be reimbursed from the Fund for LIAP expenditures that exceed the utility's apportionment. Each utility whose LIAP expenditures exceed its apportionment may make adjustments to its LIAP program to reduce spending levels pursuant to Section 3(B).

**§6 STATEWIDE LOW-INCOME ASSISTANCE PLAN AND LIAP
ADMINISTRATION: ROLE OF THE MSHA**

The MSHA shall administer the LIAPs, and coordinate the administration of the LIAPs with the delivery of LIHEAP in Maine. Specifically, the MSHA (operating through the Community Action Agencies or other designated entities) shall determine eligibility to participate in a LIAP and inform the transmission and distribution utility serving the customer of the customer's eligibility. The MSHA shall also be responsible for any other administrative duties that may be associated with the determination of eligibility and benefit amounts for each LIAP. The MSHA will be responsible for negotiating agreements with the Community Action Agencies or other designated entities necessary to carry out the intent of this section. Each transmission and distribution utility shall be

responsible for making the necessary arrangements with the MSHA for administering its LIAP.

A. Fiscal Oversight

1. Management of the Statewide Low-Income Assistance Plan Fund

The MSHA shall create and manage the Statewide Low-Income Assistance Plan Fund pursuant to Section 5 of this Chapter. Funds submitted to MSHA pursuant to Section 5 shall be placed in an interest-bearing account in accordance with the MSHA's standard investment policies pertaining to funds held in trust.

2. Contributions to and Reimbursements from the Statewide Low-Income Assistance Plan Fund

During each program year, the MSHA shall monitor and track payments made by utilities to both the "benefits" and "administrative" accounts of the Statewide Low-Income Assistance Plan fund to ensure the utility's compliance with Section 5 of this Chapter. The MSHA shall notify the Commission of any utility that fails to make its required contribution. The MSHA will not be responsible for enforcing a utility's obligations under this section.

3. LIAP Benefits

During each program year, the MSHA shall monitor and track benefits paid by utilities to ensure that:

a. Utilities spend their specified apportionments on LIAP benefits pursuant to Section 5(E);

b. Utilities contribute their specified assessments to fund benefits pursuant to Section 5(E); and

c. A utility seeks reimbursement from the Fund for only those costs incurred for LIAP benefits to its customers above the utility's assessment and up to the utility's apportionment, pursuant to Section 5(E).

B. Statewide Low-Income Assistance Plan Administrative Expenses Incurred by the MSHA

The MSHA shall be reimbursed for its costs incurred for the administration of the Statewide Low-Income Assistance Plan in an amount not to exceed \$291,164 or other amount established pursuant to Section 5(B)(2). In the event this amount does not fully cover the MSHA's costs to administer the Statewide Low-Income Assistance Plan, the Commission may increase the utilities' contributions to the administrative account of the Fund pursuant to Section 5(B)(2) of this Chapter. Included in this

amount shall be costs incurred by the Community Action Agencies and other MSHA-designated entities that are associated with the implementation and administration of the Statewide Low-Income Assistance Plan. Reimbursement for administrative costs pursuant to this section shall come from the "administrative account" of the Statewide Low-Income Assistance Plan fund. The MSHA shall maintain records accounting for the costs it has incurred in administering the Statewide Low-Income Assistance Plan, including those costs incurred by the Community Action Agencies and other MSHA-designated entities. The Commission or its agents shall have the authority to inspect and examine MSHA's records of its administrative costs.

C. Disputes Between the MSHA and its Designees

Any disagreements between the MSHA and entities designated by MSHA to administer the Statewide Low-Income Assistance Plan regarding compensation from the Fund for administrative duties carried out pursuant to this section shall be brought to the Commission for resolution.

D. Reports to Commission

The MSHA shall file reports annually with the Commission covering the program year October 1 through September 30. The reports shall be filed with the Commission by the immediately following January 1 and will be in an electronic data format satisfactory to the Commission and the MSHA. The reports shall summarize and update program information including at a minimum the following information for each quarter of the program year:

1. Total Number of Participants

The total number of households participating in each transmission and distribution utility's LIAP.

2. Reimbursement to Utilities

The amount reimbursed from the fund in response to each utility's statement of actual LIAP benefit amounts paid to eligible customers over the utility's assessment amount.

3. Funds Received from Utilities

The amount received from each utility, separately listing funds received to the "administrative account" and funds received to the "benefits account."

4. Benefits Paid

The amount of benefits paid by each transmission and distribution utility, as well as total benefits paid.

5. Fund Information

The amount of LIAP funds held by the MSHA, the interest earned by the fund, and projected spending for the pending program year.

6. Oxygen Pump Benefit

The number of customers receiving a benefit for the use of an oxygen pump pursuant to Section 4(K) of this Chapter, and the total amount of the benefits paid.

7. Other Information

Any other information concerning the administration and implementation of the LIAPs that the MSHA or the Commission believes would be useful for the Commission's ongoing oversight of funding levels and program design. Reports filed by the MSHA pursuant to this section will be in an electronic data format satisfactory to the MSHA and the Commission.

E. Record Maintenance

The MSHA shall maintain records that include at least the following information:

1. Number of Customers Evaluated

The number of eligible customers evaluated for participation in the Statewide Low-Income Assistance Plan by each Community Action Agency or other entity authorized to determine eligibility for the applicable LIAPs.

2. Income and Usage

The household income, electric usage, and dollar amount of the annualized LIAP benefit (for LIAPs where this information is available) for each customer determined to be eligible by a Community Action Agency or other MSHA-designated entity, the date of such determination, and the identity of the transmission and distribution utility notified of the eligibility and benefit amount (for programs where this information is available).

3. Oxygen Pump Benefit

The number of customers receiving a benefit for the use of an oxygen pump pursuant to Section 4(K) of this Chapter.

F. Coordination with Community Action Agencies

The MSHA may contract with Community Action Agencies or other entities throughout the State to administer the individual LIAPs. If circumstances require, the MSHA may, in its discretion, administer a LIAP locally or may contract with other entities, such as municipalities, to administer a LIAP in cooperation with LIHEAP and similar programs. The MSHA may establish application procedures, education and counseling, record retention, and reporting requirements applicable to ensure that entities administering the LIAPs do so locally in a manner that is cost effective and coordinated with the implementation of LIHEAP. The MSHA shall provide notice of the individual utility's LIAPs, including the Oxygen Pump Benefit, to customers applying for LIHEAP as well as in its mailings to clients about low-income assistance.

§7 OBLIGATIONS OF TRANSMISSION AND DISTRIBUTION UTILITIES

A. Notice to Customers

1. New Customers

In its summary of rights and responsibilities provided to new customers pursuant to Chapter 81, a transmission and distribution utility must explain to customers how they may become eligible and apply for credit for the use of an oxygen pump. Utilities must also advise customers that the certification form required by Section 4(K)(2) must be submitted to the utility on an annual basis.

2. Notice in Association with the Winter Disconnection Rule

Each transmission and distribution utility shall include information regarding the existence of and eligibility criteria for the LIAP in any mailings by the utility to comply with the Commission's Winter Disconnection Rule. The information shall include, at a minimum, the eligibility criteria for the LIAP, how to apply for the LIAP, and how to apply for credit for the use of an oxygen pump. The information shall also appear on the utility's web pages with other relevant customer service information targeted to residential customers.

B. Providing Information to MSHA, Community Action Agencies, or other MSHA Designated Entities

Upon the request of the MSHA, Community Action Agencies, or other MSHA designated entities, each transmission and distribution utility shall provide:

1. The prior 12 months usage for the customer's dwelling or the information necessary for the MSHA, Community Action Agency, or other MSHA-designated entity to estimate the usage for the upcoming 12 months for the dwelling;

2. The estimated cost of electric service for the 12-month period specified by the MSHA or Community Action Agency for each eligible customer; and
3. Any information needed to administer the utility's LIAP.

This information shall be transmitted electronically by the transmission and distribution utility to the MSHA, Community Action Agency, or other MSHA-designated entity in a format acceptable to the MSHA, unless the MSHA and the utility agree that an alternative method of data transmission is acceptable. The MSHA or MSHA-designated entity shall obtain customer authorization to release account information prior to requesting such information from the transmission and distribution utilities. This may be accomplished by including language necessary to release the account information in the LIAP application form.

C. Energy Management Measures

Each transmission and distribution utility shall coordinate its funding and delivery of energy management programs with the implementation of its LIAP with respect to any such programs available to low-income electric customers through the MSHA, Community Action Agencies, or other MSHA designated entities.

D. Reporting

Each transmission and distribution utility shall file quarterly and annual reports with the MSHA and the Commission within 30 days of the closing of the quarter or year. The reports shall cumulatively summarize and update program information including the following minimum information for each month of the program year:

1. Number of Participants in LIAP

The number of participants enrolled in its LIAP each month, separated by rate class if the transmission and distribution utility has more than one residential rate.

2. Number of Participants Dropped from the LIAP

The number of participants dropped from the program by month.

3. Number of Participants Receiving Oxygen Pump Benefits

The number of participants enrolled in its LIAP each month receiving a benefit for the use of an oxygen pump.

4. Oxygen Pump Benefit Amounts

The cumulative, incremental benefit amount provided to customers each month for the use of an oxygen pump, pursuant to Section 4(K) of this Chapter.

5. LIAP Program Benefit Amounts

The total dollar amount of benefits provided to participants by month.

6. Payments to the MSHA

The amount of program funding provided to the MSHA, separately listing administrative costs from benefit costs.

7. Reimbursements Received from the MSHA

The amount of funds received from the MSHA for reimbursement of LIAP expenditures.

8. Reimbursement Requests made to the MSHA

The amount of funds requested for reimbursement from the MSHA.

9. Projected LIAP Benefits

The projected amount of LIAP benefits to be paid for the remainder of the program year and the difference between projected costs and the LIAP funding amount for the program year.

10. Administrative Funds Provided to MSHA

Funds provided to the MSHA for administrative costs pursuant to Section 5(B)(2).

The reports required in this subsection shall be filed within 30 days of the conclusion of each quarter and the end of each program year.

E. Record Maintenance

Each transmission and distribution utility shall maintain for 5 years records that include the following information:

1. Copies of completed certification of need forms submitted by eligible customers pursuant to Section 4(K)(2);

2. Records of calculations used to determine benefit amounts for each eligible customer who submitted a completed certification of need form pursuant to Section 4(K)(2); and

3. Any other materials associated with the calculation of benefits under the oxygen pump assistance program.

§8 WAIVER

Upon the request of any person subject to this Chapter, or upon its own motion, the Commission may, for good cause, waive any requirement of this Chapter that is not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or Title 35-A. The Commission, the Director of the Consumer Assistance Division, or the presiding officer assigned to a proceeding related to this Chapter may grant the waiver.

TABLE 1

Oxygen Pump Usage

Hours/Day Oxygen Pump is Used	Daily kWh	Monthly kWh
8	6	180
9	7	203
10	8	225
11	8	248
12	9	270
13	10	293
14	11	315
15	11	338
16	12	360
17	13	383
18	14	405
19	14	428
20	15	450
21	16	473
22	17	495
23	17	518
24	18	540

BASIS STATEMENT: The factual and policy basis for this rule is set forth in the Commission's Order Adopting Rule, Commission Docket No. 2001-042, issued July 31, 2001, and the Commission's Order Adopting Amended Rule and Statement of Factual and Policy Basis, Commission Docket No. 2005-635 issued March 22, 2006. Copies of this Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 242 State Street, Augusta, Maine 04333-0018.

AUTHORITY: 35-A M.R.S.A. §§ 104, 111 and 3214

EFFECTIVE DATE: This rule was approved as to the form and legality by the Attorney General on 3/27/06. It was filed with the Secretary of State on 3/28/06 and became effective 4/2/06.